

February 15, 2009

Victoria Clark's thoughts regarding the Senate Education and Cultural Resources Committee's questions and the opponents' testimony with respect to SJ12 – the Bitterroot Valley Community College Resolution.

Voter turnout and mandatory levy issues

Tables 1 and 2: Ravalli County School District Elections ~ May 8, 2007

Table 1. Election data and statistics pertaining to the Ravalli County BVCC proposal

School District	For BVCC	% For	Against BVCC	% Against	Total Votes Cast	Total No. of Registered Voters	Turnout Percentage
Corvallis	772	53%	681	47%	1453	4885	30%
Darby	475	53%	426	47%	901	3133	29%
Hamilton	848	49%	881	51%	1729	7970	22%
Lone Rock	173	44%	224	56%	397	2207	18%
Stevi. Elem	492	56%	387	44%	879	4630	19%
Victor	277	53%	241	47%	518	2458	21%
Florence-Carlton	The proposed Bitterroot Valley Community College district includes all of the school districts in Ravalli County excepting Florence-Carlton. Because of Florence-Carlton's location (partly in Ravalli County and partly in Missoula County), there are statutory complications regarding the inclusion of Florence-Carlton during the initial formation of a community college district. However, Florence-Carlton residents may elect to annex the school district to the Bitterroot Valley Community College district at a future date (see MCA 20-15-231 for details).						
Totals	3037	52%	2840	48%	5877	25283	23%

Table 2. Election data and statistics pertaining to other issues on May 2007 Ravalli County school district ballots

School District	School district ballot issues	Election outcome for levies	Estimated cost of levy to taxpayer
Corvallis	\$300,000 general fund levy increase, two trustee seats	levy passes 762 to 688 (53% for)	\$51 per \$100,000 in home market value
Darby	\$200,000 general fund levy increase, two trustee seats	levy passes 464 to 439 (51% for)	\$58.53 per \$100,000 in home market value
Hamilton	no other issues, no trustee seats	NA	NA
Lone Rock	no other issues, no trustee seats	NA	NA
Stevi. Elem	no other issues, no trustee seats	NA	NA
Victor	\$125,000 5yr building reserve levy, two trustee seats	levy passes 304 to 198 (61% for)	\$9.19 per \$100,000 in home market value
Florence-Carlton	\$123,000 levy, two trustee seats	levy fails 538 to 553 (51% against)	\$32.48 per \$100,000 in home market value

Thoughts on voter turnout

- May 2007 Missoula County School District election turnout averaged 8 percent, despite mill levy increase requests on ballots for Hellgate Elementary, Lolo Elementary, and Target Range Elementary (all of which were passed and subsequently implemented)
- Nobody is questioning the authority of the Corvallis, Darby, and Victor school districts to implement their general fund levy increases, despite voter turnout numbers or margins of victories.
- Nobody is questioning the authority of the Florence-Carlton School District *not* to implement their general fund levy increase, despite the voter turnout number or the margin of defeat.
- Allowing for concerns with respect to voter knowledge of an election, to permit voter apathy to decide elections sets a dangerous precedent for democratic governments, especially if the apathy vote is by default tallied as a "no" vote. To reward apathy and give apathy power over elections, is the antithesis of the democratic process. Democracy is doomed if participation fails to trump indifference.
- If apathy is to weigh in, where is the cutoff? Example 1: 100 registered voters; 50 voters turnout for an election (50% turnout); a candidate garners 40 of the 50 votes cast (80%); yet if you include the apathy "nay" vote, the candidate has lost by 60 votes. Example 2: 100 registered voters; 75 voters turnout (75% turnout); a candidate garners 45 of the 75 votes cast (60%); yet if you include the apathy "nay" vote, the candidate has lost by 55 votes.
- Alternatively, why should it be assumed that the apathy vote is a "no" vote? One could muddy the election result waters even further by examining the consequences of assuming that the apathy vote is a "yes" vote.
- There was no turnout threshold specified in Montana's community college district organization statute.
- Bitterroot Valley Community College Exploratory Committee (BVCC-EC) efforts to drive voter turnout via the committee's "Get Out the Vote" Campaign:
 - Saturation mailer to every postal customer within proposed BVCC District boundary – 16,488 pieces of mail sent on May 1 (seven days prior to the election); see included copy of the mailer.
 - Seventy-five 4 x 4 ft signs were put up along prominent local roadways (mainly US Hwy 93) throughout all the valley's communities announcing the election date; all signs were in place between two and three weeks prior to the election; tens of flyers announcing the election date were placed in area business windows as well as in vehicle windows; see included example of the BVCC-EC road and window sign.
 - The BVCC-EC Spring 2007 presentation calendar included public forums in all Bitterroot Valley communities (Darby, Corvallis, Hamilton, Lone Rock, Stevensville, Sula, and Victor); information sessions for Hamilton High School, Darby Public Schools, Bitterroot Women's Club, Corvallis Civic Club, Soroptomists, Democratic Mule Team, Republican Women's Club, South Valley Pachyderms (Republicans), North Valley Pachyderms (Republicans), Kiwanis, and Lyons; an informational booth at the Hamilton Farmers Market; and fundraisers at the Bitterroot Brewery (Hamilton), Roxy Theater (Hamilton), and Majestic Mountain (Stevensville); dates, times, and locations for all public forums, information sessions, and fundraisers were listed in the local newspaper (*Ravalli Republic*) and posted via flyers at high-traffic community locations (post offices, etc)
 - BVCC-EC handouts at public forums, information sessions, and fundraisers prominently announced the election date (see included copies of the BVCC presentation handout and information flyer).
 - The BVCC-EC website, launched in June 2006, prominently featured the election date with polling locations and times.
 - The BVCC-EC election eve calling effort included contacting all 5,188 voters who signed the BVCC petition
- Other circumstances which directly and/or indirectly alerted voters to the pending election:
 - The area's primary local newspaper, the *Ravalli Republic*, printed 20 articles and/or opinion pieces relating to the BVCC proposal between January 1 and May 7, 2007; the

Missoulian printed eight articles/opinion pieces relating to the BVCC during the same time frame.

- As dictated by statute, the Regents via the Office of the Commissioner of Higher Education ran "notice[s] of the community college district organization election and the accompanying election of a board of trustees for the proposed community college district . . . in at least one newspaper of general circulation . . . once a week for 3 consecutive weeks, the last insertion [being] no more than 1 week prior to the date of the election"(MCA 20-15-207).
- The University of Montana ran multiple ads (including a full-page ad on election day) in the *Ravalli Republic* in the four-week period prior to the election announcing UM summer offerings in the Bitterroot (under the name *UM in the Bitterroot*). During the same time frame, the UM also funded an extensive local mailing campaign announcing UM-COT offerings. Such aggressive advertising and promises of services on the part of the UM were unprecedented in the Bitterroot and led directly to an increased public awareness of the BVCC proposal.
- Other indicators showing that the community was engaged in the pending election:
 - 20 candidates vied for the seven BVCC Trustee seats on the May 7 ballot.

Thoughts on voter knowledge of the mandatory levy

- BVCC-EC efforts to inform voters of the mandatory levy were ongoing and thorough:
 - The BVCC-EC Spring 2007 presentation calendar included public forums in all Bitterroot Valley communities (Darby, Corvallis, Hamilton, Lone Rock, Stevensville, Sula, and Victor); information sessions for Hamilton High School, Darby Public Schools, Bitterroot Women's Club, Corvallis Civic Club, Soroptomists, Democratic Mule Team, Republican Women's Club, South Valley Pachyderms (Republicans), North Valley Pachyderms (Republicans), Kiwanis, and Lyons; and an informational booth at the Hamilton Farmers Market; the mandatory levy was discussed at length at all public forums and informational venues; dates, times, and locations for all public forums and information sessions were listed in the local newspaper (*Ravalli Republic*) and posted via flyers at high-traffic community locations (post offices, etc).
 - BVCC-EC handouts at public forums and informational venues always included discussions of the mandatory levy (see included copies the BVCC's presentation handout, information flyer, and FAQs sheet).
 - The BVCC-EC website, launched in June 2006, provided a lengthy discussion of the mandatory levy.
- Local press coverage of the BVCC proposal focused considerable attention on the mandatory levy. Of particular relevancy to the mandatory levy issue, is the *Ravalli Republic's* article of April 27, 2007 entitled "Costs of a community college"(see included copy of *Ravalli Republic* article).
- The issue of voter knowledge of the mandatory levy was addressed by the Postsecondary Education Policy and Budget (PEPB) Interim Subcommittee in December 2007. PEPB legal counsel Eddy McClure issued an opinion stating that she saw "no grounds for successfully challenging the ballot for failing to include [mention of the mandatory levy]"(see included copy of McClure's legal opinion).
- It should be remembered that the establishment of a community college district is, technically speaking, distinct from the establishment of a mandatory levy. What a voter agrees to when he or she votes in favor of establishing a community college district is that he or she will accept the local tax implications of the state's community college funding formula – a formula put forth in statute and subject to legislative revision or retraction. Notably, as the state's community college funding formula and its associated variables have changed in the past and are likely to change in the future, the local tax obligation likewise varies. Moreover, while improbable, it is possible that the state via legislative action could decide to eliminate the community college district mandatory local tax obligation, thereby negating the issue at hand altogether.
- It is also important to maintain some perspective on the mandatory levy. Current maximum projections for the BVCC District mandatory levy indicate a tax obligation of about \$12 per

\$100,000 in residential property value (about 6 mills – notably, the same mill obligation the University System recently felt comfortable asking of all state property taxpayers). For a home valued at \$250,000, this amounts to **\$30 a year**. For the Hamilton resident commuting three times a week for college courses in Missoula, gas alone is likely to run the student **\$30 a week** (100 miles roundtrip to Missoula three times a week at 20 miles to the gallon at \$2 per gallon) – for two sixteen week semesters that same student would pay **\$960** in fuel costs (car maintenance costs and lost commuting time notwithstanding). From a potential student's point of view, the annual property tax associated with the BVCC is a far better bargain than the current "transportation tax" associated with education in Missoula.

- Finally, it is asked, where is the BVCC District voter who wishes to challenge the BVCC District ballot and thereby the BVCC District election? Not a single BVCC District voter made the trip to Helena to oppose the establishment of the BVCC District during the Senate Committee hearing. Who is this voter? Can OCHE put a name and face on this voter? Too much is at stake for too many people for idle threats to rule the day.

Thoughts on opponents' testimony

- Regarding MEA-MFT's fears that a community college would dilute support for local school districts, the BVCC election results indicate the contrary (see Tables 1 and 2). All the area's school districts with the BVCC proposal on the ballot passed their levies (with two of the levies considerable and only winning narrowly), while the one area school district, Florence-Carlton, with the BVCC proposal not on the ballot failed to pass its levy. Arguably, in its first test, the BVCC seems to have had a positive effect on local school support rather than a negative effect. Too, it is remarked that the issue of local school support dilution due to the BVCC dates back to February of 2007, when then Hamilton School District Superintendent John Matt (now a UM faculty member) voiced such concerns. After checking the data, however, BVCC advocates were able to demonstrate that Matt's concerns were not substantiated in fact. BVCC research (see included school district levy documentation) shows that in Montana, school districts within community college districts are consistently funded at levels over the 80 percent minimum, and notably, at levels exceeding those presently enjoyed by Ravalli County school districts. Just as exemplified in Ravalli County's May 2007 election, the truth may actually be that the presence of a local community college connects more voters to the importance of education which results in greater support for education across the board.
- OCHE's assertion that Montana already has enough 2-year institutions shows a lack of understanding of the purpose of 2-year institutions. 2-year institutions are all about location. If a state's 2-year institutions are not in the right places or in enough places, the state's 2-year system is not working, as the sole purpose of 2-year education is to provide locally available adult learning services. The number of 2-year institutions in a state is ideally a function of population density, commuting time, and community distinctiveness. Communities that reach a critical population density, are outside the commuting range of an existing 2-year institution, and/or have significant community-specific adult learning service needs require their own local 2-year unit if they are to develop and maintain socioeconomic sustainability – that is to say, if communities are to be assets rather than liabilities to the state. Summarily, too arbitrarily cap the number of 2-year institutions in a state is not sound higher education policy.
- OCHE's claim that in general Montana has too many higher education institutions speaks volumes as to the structural failings of Montana's current system of higher education governance. When a governing authority asserts that there is "too much," one would hope that the first course of action would be a thorough review of the existing parts of the system and the governing structure of the system. The "too much"/"too many" mantra should shake a system to its core and alert all policy makers that a significant overhaul is in order. OCHE's complaint about there being too many institutions is perhaps really a cry for help – it is not Montana that has too many institutions per se but rather it is OCHE/the Regents. The governing structure of the MUS with so many institutions of varying missions under a single board of regents is simply untenable. Accountability and oversight is compromised, equity in resource allocation is compromised, and the state's ability to pursue policy goals is compromised. When a system in effect admits it is

unable to govern effectively, restructuring is the only answer. Notably, by the Legislature approving the establishment of the BVCC, the state will effectively take the first step in righting the system—providing OCHE/the Regents with a 2-year institutional governing and service model to duplicate across the state, and which ultimately initiates a realignment and restructuring of the MUS to the dramatic benefit of Montana's students, communities, and taxpayers.

- As it is to OCHE's advantage in this particular argument to assert that the community colleges are the most expensive of the state's 2-year education institutions to fund, their data can only be viewed with skepticism. In the absence of an independent audit and assessment of cost data, OCHE's numbers are not worthy evidence. Notably, as the UM-COT's budget is integrated with the UM's and no separate data regarding student expenditures within integrated units is summarily provided by any of the MUS's integrated units (see MUS online budget data), attempts to externally verify OCHE's numbers with respect to student costs at the UM-COT are currently not possible. Likewise, during the September 2008 Regents' meeting in Butte it was remarked by community college fiscal officers that as there is variation in accounting procedures between the MUS units and the community colleges, direct comparison of the varying units' budgets is problematic. Also there is the issue of comparing apples to oranges. The budget challenges of Dawson and Miles community colleges are typical of small schools and comparing them and/or averaging them with Flathead Valley Community College against the budgets of the COTs in Helena, Great Falls, and Missoula is poor analysis methodology. Lastly, if OCHE's budget numbers are to be believed, there are several additional angles to consider. First, there is the issue of providing comparably effective services. Notably, none of the COTs engage their local populations at levels considered successful, while all of the community colleges do. When efficiency erodes effectiveness, efficiency is no bargain. Second, there is the issue of having access to adequate funding. It may be that what OCHE labels "cost effectiveness" is actually "funding inadequacy," with such funding inadequacy manifested in the COTs' inability to effectively engage local populations. Finally, it is remarked that funding for community colleges and COTs is secured very differently, with community colleges having more funding options and more direct input when obtaining funds while COTs are limited in their funding options and their ability to affect the funding process. Arguably, if COTs had greater funding variety and leverage, their "cost-effectiveness" picture might look very different. In the end, this is another case of comparing apples to oranges. As the funding processes for community colleges and COTs are so different, comparing cost outcomes at an absolute level presents validity issues.
- As an aside, it is wondered why if UM-COT's per student costs are so much lower than other 2-yr units (\$2000 less than UM-COT Helena), the savings are not passed onto UM-COT's 2-yr students? Fall 2008 tuition at UM-COT Helena was \$1497 (12 credits), while Fall 2008 tuition at UM-COT Missoula was \$1660.70 (12 credits), despite considerably lower per student costs at the Missoula's COT according to the MUS.
- Regarding the increase in the cost of community colleges to the state over time, no data are provided with respect to the cost of MUS units to the state over time. Again, as this line of reasoning is to the advantage of OCHE's argument, without an independent assessment of cost data over time the data are suspect. Moreover, it should be remembered that funding for community colleges is entirely at the discretion of the legislature. If the legislature does not want to sanction rising costs, then it doesn't have to.
- OCHE's problems with the BVCC business plan and needs assessment are completely negated by the BVCC Trustees-elect decision to delay the delivery of for-credit services until the next biennium, allowing ample time for planning at levels acceptable to OCHE. It should be noted, however, that OCHE/the Regents concerns with respect to the BVCC's plans seem particularly disingenuous considering that they waited until late November of 2008 to express any substantive criticism of the BVCC's plans despite the Commissioner's and two Regents' membership on the PEPB Subcommittee wherein BVCC plans had been under discussion since December of 2007. Too, OCHE/the Regents seem to be operating under a double standard, for while the BVCC was put under the microscope, when the UM expressed interest in opening a Higher Education Center in Hamilton, OCHE/the Regents were apparently so satisfied with a two-page "planning" document that the center was allowed to commence operations within three months and all Regent policy guiding higher education center planning and authorization was ignored (see included email letter addressed to Commissioner Stearns and dated September 2007 addressing

BVCC concerns with respect to Regent policy violations re: the UM's proposed Hamilton Higher Education Center). Evidently, accountability is not for everyone.

- A few points with respect to OCHE's handout "Why the Regents said NO – and Why Legislators Should"
 - Transportation issues: Isn't it cheaper to bring one instructor to a group of students rather than to bring a group of students to one instructor? How does OCHE propose to recapture the 2.5 hours lost to a commuting student? Since commuting is not a big deal to OCHE, why not build the proposed new \$32 million UM-COT facility in Hamilton, and have folks from Missoula commute to Hamilton? This effort is about the 3-4 (?) people (is this number adults only? commuters only? employed only?) in Ravalli County who don't commute to Missoula. What about Missoula County residents who commute to Ravalli County for work? Why not just depopulate the whole county (or maybe even the whole state) and move everyone to Missoula for greater efficiency at all levels?
 - OCHE provides no firm data on accreditation costs to allow full evaluation of this concern. It is generally noted, however, that the primary purpose of accreditation is to assure quality services. By attempting to bypass independent accreditation for higher education services in the Bitterroot, might the quality of services in the Bitterroot be compromised? Certainly a commitment to services would be in question.
 - If duplication of higher education services is a concern, the first place to look for savings is in the 4-year system, for 4-year units are meant to serve statewide populations while 2-year systems are meant to serve local populations. 2-year programming is meant to be duplicated on a local basis as needed, while duplication in 4-year services should not be supported. OCHE again shows that it does not have a working understanding of the critical differences between 2-year institutions and 4-year institutions.
 - OCHE's claim that establishing a new public community college in Montana will wreck financial havoc across the state's higher education system, while having the MUS provide the same level of services will somehow be nearly cost free is remarkable. Too, it is hard to imagine how an annual appropriation of less than \$1 million will significantly cripple WWAMI/WICHE programs, tribal colleges, community colleges, the 4-year units, and the maintenance of new COT buildings. Notably, no representatives from any tribal college, community college, COT, or 4-year unit (excepting the UM) spoke in opposition to the BVCC.
 - In the end, it is asked, where is OCHE's business plan? Where is OCHE's needs assessment? Where is OCHE's budget? Where is OCHE's "other option" for the provision of noncredit services? The community college is by far the most effective model for the delivery of local adult learning services in Montana, the western region, and across the nation. The people of the Bitterroot have waited too long and have come too far to have their proposal discredited by half-truths, spurious analysis, and self-serving agendas. The MUS's 2-year scheme of COTs, HECs, and 4-year units providing 2-year programming fails to engage local residents at levels consistent with a successful 2-year system. For the state to put an already overburdened bureaucracy in charge of cobbling together yet another ineffective 2-year model is unconscionable, especially when the state already has access to the preeminent 2-year delivery model in its community colleges. **When will the MUS finally understand that it is not integration with the 4-year system that drives 2-year institutional success, but rather integration with the local community?** While the MUS's 2-year units struggle with funding, autonomy, and local engagement, Montana's community colleges are performing at optimum levels. Too, it should be remembered that from the state's perspective, community colleges are the cheapest way to provide quality local adult learning programming. Community college districts pick up half of all for-credit costs, all non-credit costs, and all facility costs. And what does the state get for its relatively minor investment? – anywhere from a \$3 to \$6 return on every \$1 spent as tax revenues climb and public welfare expenses fall. What is more, is that via the establishment of the BVCC the state gains a community that has at last come into its own, has taken responsibility for its own destiny, and is empowered and invigorated to meet present and future challenges, come what may. In the end, the Bitterroot Valley is just asking for a chance to help itself, a chance to join the

ranks of hundreds of communities across the United States which have resurrected local economies and forge sustainable local identities via the establishment of local community colleges.

Summary thoughts

There are plenty of excuses not to establish the BVCC, but there are no valid reasons. The MUS has spent more money fighting the BVCC than is needed to fund the BVCC.

Be Sure to Vote
Tuesday, May 8

**Bitterroot Valley
Community College**

Learning is fun! Entertain your brain and your future will follow.

Paid for by the BVCC Exploratory Committee, Dixie Stark, Treasurer, P.O. Box 435, Hamilton, MT 59840

Election Day: May 8 – Voting Time: 12 to 8 PM

School Dist.	Polling Place	Absentee Ballots
Corvallis	HS Gym	any School Office
Darby	HS Gym	Business Office
Hamilton	HS Gym	District Office
Lone Rock	Gym	School Office
Stevensville	HS Gym	HS Business Office
Victor	HS Gym	Business Office

What Your Community College Can do for You!

Vo-Tech Ed
Associate Degrees
General Ed
Continuing Ed

GED & Adult Literacy
College Prep Courses
Dual Credit for HS Students
Community Outreach

Visit our website at bvcc-edu.org

PERMIT STD
U.S. POSTAGE PAID
Hamilton, MT 59840
Permit No. 6

Postal Customer



*A community college provides AFFORDABLE and
COMPREHENSIVE adult learning services.
A community college is ACCOUNTABLE and
COMMITTED to the people it serves.*

Bitterroot Valley Community College

A Ballot Proposition

VOTE Tuesday, May 8, 2007

Bitterroot Valley Community College

BVCC Exploratory Committee

A Bitterroot Workforce System Initiative

Original BVCC Exploratory Committee Members

- Victoria Clark, *Darby Adult Education Director*
- Julie Foster, *Executive Director RCEDA*
- Patti Furniss, *Bitterroot Job Service Workforce Center Manager*
- Sarah Monson, *Owner of Vizion Media, Inc.*
- Marlin & Jeannette Neaves, *Owners of Authentic Computer Training*
- Dixie Stark, *Director of Literacy Bitterroot*

Bitterroot Valley Community College

Why is a community college needed?

Bitterroot Valley Community College

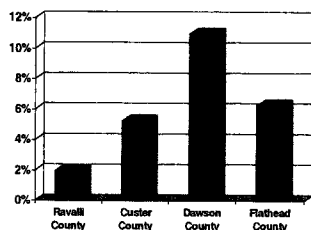
Past and Present

No local postsecondary institution: why?	Has the situation changed?
Low Population 1910 - 12,000 1940 - 13,000 1970 - 14,000 Primary Economy Dominated by agriculture, mining, and logging Postsecondary degrees not essential for monetary stability or success Proximity to Missoula Distance from Hamilton to Missoula is 50 miles The University of Montana established in 1893 Missoula's College of Technology established in 1969	Population 2004 40,000 173% increase since the 1970s Economy 2004 2% of jobs are in farming, forestry, and fishing (down from 14% in 1980) 72% of jobs are in service sector

Bitterroot Valley Community College

Comparison

- Ravalli County higher education participation rate versus higher education participation rates in Montana counties with local postsecondary institutions



■ Percentage of county residents (18 to 64) enrolled in local postsecondary institution

Bitterroot Valley Community College

Distance Education

Barriers to distance education

- **Time**
 - Dependent on internet access speed
- **Expense**
 - Computer and internet access
 - **Additional per credit distance learning fee**
 - Typically \$30 per credit - \$90 per course
 - Out-of-district/out-of-state tuition rate may apply
- **Prior Knowledge**
 - Technological savvy
 - Confident with postsecondary admission and registration procedures and academic expectations

Bitterroot Valley Community College

Socioeconomic benefits

Local access to higher education matters

- **Economic benefits**
 - Greater business productivity
 - Growth of regional economy
 - Rise in earnings
 - Lessening of earnings gap
 - More stable employment
 - Rise in labor force participation
 - Lower unemployment
 - Less dependence on public assistance
 - Greater tax revenues
- **Social benefits**
 - Less criminal activity
 - More active civic participation
 - More participation in charitable activities
 - Improved life expectancy
 - Better overall physical health
 - Fewer teen pregnancies

Ravalli County is the only Montana county with measurable population which lacks a local institution of higher education

County	2000 Census	2000 Rank	Postsecondary Institution
Yellowstone	129,352	1	MSU-Billings; COT-Billings; Rocky Mt. College
Missoula	95,802	2	UM-Missoula; COT-Missoula
Cascade	80,357	3	COT-Great Falls; University of Great Falls
Flathead	74,471	4	Flathead Valley CC
Gallatin	67,831	5	MSU-Bozeman
Lewis & Clark	55,716	6	COT-Helena; Carroll College
Ravalli	44,876	7	
Silver Bow	34,606	8	UM-Montana Tech; COT-Montana Tech
Lake	26,507	9	Salish Kootenai College (Tribal)
Lincoln	18,837	10	Flathead Valley CC - Libby Branch Campus
Hill	16,673	11	MSU-Northern; Stone Child College (Tribal)
Park	15,694	12	
Glacier	13,247	13	Blackfeet CC (Tribal)
Big Horn	12,671	14	Little Bighorn College (Tribal)
Fergus	11,893	15	MSU-Northern - Lewistown Branch Campus
Custer	11,696	16	Miles CC
Roosevelt	10,620	17	Fort Peck CC (Tribal)
Rosebud	9,383	23	Chief Dull Knife College (Tribal)
Beaverhead	9,202	24	UM-Western
Dawson	9,059	25	Dawson CC
Blaine	7,009	29	Fort Belknap College (Tribal)

Bitterroot Valley Community College

How is a community college established?

Bitterroot Valley Community College

Proposed community college district must meet state requirements

- 1) District must fall within the pre-existing boundaries of contiguous elementary districts of one or more counties

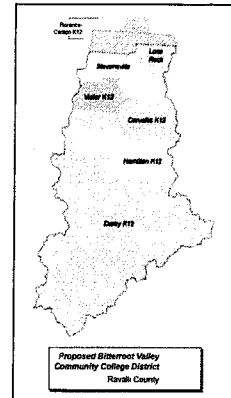
The proposed BVCC district has 6 contiguous school districts

- 2) The taxable value of the district must be at least \$10 million

The proposed BVCC district tax valuation is over \$58 million

- 3) 700 pupils must be regularly enrolled in public and private high schools located in the district

The proposed BVCC district's 5 public high schools enroll 1700+ students



Bitterroot Valley Community College

Establishment

If a proposed district meets the requirements

- 1) Voters request an election for the organization of the community college district by petitioning the Board of Regents
BVCC-EC submitted a petition with 5175 certified signatures on March 1, 2007
- 2) The regents order the elementary districts within the proposed area to hold an organizing election on the next regular school election day
Regents have ordered an organizing election for Tuesday, May 8, 2007
- 3) On the same ballot, the regents provide for the election of trustees for the proposed district
Regents handle trustee nomination process – info. online by March 14, 2007
- 4) The state legislature officially grants approval of the creation of the district
- 5) Within 30 days of the legislature's organization order, the regents must set a date for an organizational meeting of the new trustees
- 6) A new public community college is created in Montana – the new institution is a permanent, legally recognized entity

Bitterroot Valley Community College

How is a community college governed?

*Bitterroot Valley
Community College*

Governance

- **Locally-elected board of trustees**
 - Seven trustees
 - Powers: **manage and control**
 - Ensures college is **accountable** to the people it serves
 - Responsive, flexible, and timely
- **Board of Regents**
 - Powers: supervise and coordinate

*Bitterroot Valley
Community College*

**What services does
a community college provide?**

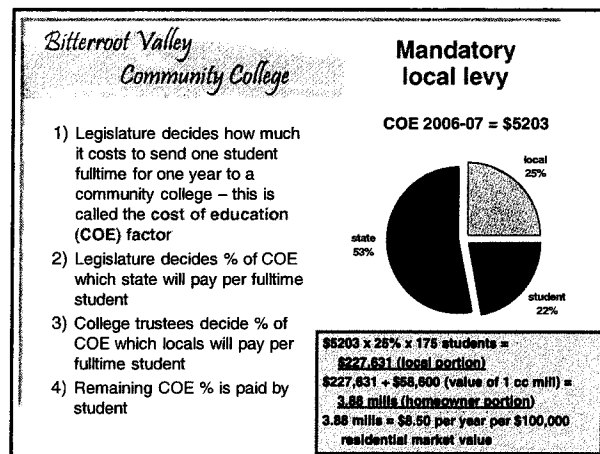
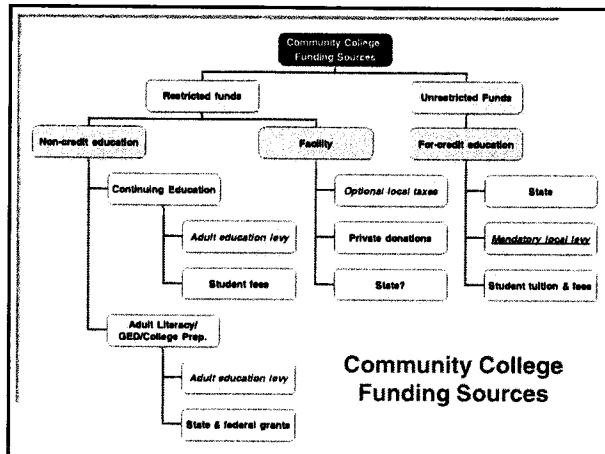
*Bitterroot Valley
Community College*

Services

Vocational-Technical Education	Students earn occupational certificates & licenses and associate degrees in the applied arts and sciences.
General Education	Students earn up to two years of transferable credits in general/core requirement areas. Associate degrees in arts and sciences awarded.
Continuing Education	Students will be able to take noncredit courses for workforce training, professional development, and personal enrichment — from basic computers to business workshops to cooking and flyfishing.
GED and Adult Literacy	Students earn high school equivalency diplomas (GED); beginning literacy services available.
College Preparatory Coursework	Students take refresher courses in reading, writing, and math to ensure success at the college level.
Dual Credit for High School Students	High school students take college courses and earn college credit while simultaneously earning high school credit.
Community Outreach	College collaborates with local businesses, agencies, organizations, and public schools to meet specific training and educational needs.

*Bitterroot Valley
Community College*

**How is a community college
funded?**



Bitterroot Valley Community College

Adult education levy

	2006-06			2006-07		
	Mills levied	Value of 1 mill	Amount raised by levy	Mills levied	Value of 1 mill	Amount raised by levy
Corvallis	1.38	\$11,800	\$16,008	2.06	\$12,000	\$24,720
Darby	1	\$8,000	\$8,000	0.86	\$8,300	\$7,138
Hamilton	4.57	\$17,900	\$81,803	4.4	\$18,400	\$80,960
Lone Rock	4.77	\$3,700	\$17,649	3.96	\$3,900	\$15,444
Stevi Elem	0.94	\$10,000	\$9,400	1.91	\$10,400	\$19,864
Stevi HS	0.92	\$13,600	\$12,512	1.97	\$14,300	\$28,171
Victor	0	\$5,400	\$0	1.1	\$5,600	\$6,160
Amount raised valley-wide			\$145,372			\$182,457
BVCC (projected)				2.5	\$55,600	\$146,500

Note: 1 mill to the homeowner = \$2.19 per \$100,000 in residential market value

Bitterroot Valley Community College

What about establishing a college of technology (COT)?

<i>Bitterroot Valley Community College</i> Ravalli County and Missoula UM-COT	
2001	Hamilton HS and UM-COT collaborate to offer 4 for-credit courses Courses include Acting for Non-Drama majors, Basic Algebra, English Composition, and Introduction to Computers Only the computer course fills
2002	Hamilton HS and the Bitterroot Job Service hold a roundtable discussion with UM-COT Group requests a UM-COT outreach coordinator for Ravalli County
2003	UM-COT hires a part-time outreach coordinator
2004	UM-COT promotes for-credit offerings in Ravalli County through Virtual College (web-based instruction) Few Ravalli County adults utilize Virtual College computer lab services offered at two area high schools
2005	UM-COT part-time outreach coordinator resigns; position is vacant for nearly 1 year Authentic Computer Training (ACT) in Hamilton initiates collaboration with UM-COT UM-COT offers to provide instructors; UM-COT asks ACT to provide space and marketing No collaboration results

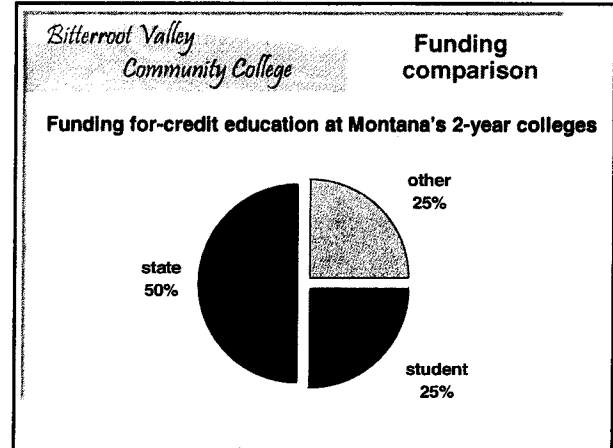
<i>Bitterroot Valley Community College</i> Why UM-COT efforts in Ravalli County unsuccessful	
<ul style="list-style-type: none"> ▪ Lack of permanence <ul style="list-style-type: none"> ▪ Why start a program of study that you can't finish? ▪ Lack of sufficient course offerings <ul style="list-style-type: none"> ▪ Local students not eligible for financial aid, unable to meet half-time enrollment minimum ▪ Lack of appropriate offerings <ul style="list-style-type: none"> ▪ Low enrollment in for-credit courses reflects poor understanding of local needs ▪ Web-based instruction inappropriate for students with no prior postsecondary experience ▪ No continuing education (noncredit) courses offered ▪ No adult literacy/GED/college preparatory courses offered ▪ Lack of physical presence <ul style="list-style-type: none"> ▪ Students require face-to-face interaction with sponsoring institution ▪ Poor marketing <ul style="list-style-type: none"> ▪ Local advertising limited to notices in local newspaper and information dissemination through Bitterroot Workforce System partners ▪ No local catalogue outlining procedures and requirements for admissions and/or detailing current course offerings 	

<i>Bitterroot Valley Community College</i> Ravalli County considers other options	
August 2005	Bitterroot Workforce System (BWS) investigates collaboration with BVCC Libby Branch Campus
November 2005	BWS considers interactive television as delivery system for collaboration with BVCC Darby Adult Education director researches higher education in Montana on behalf of BWS; it is learned that the Montana Code provides for the establishment of public community colleges
January 2006	Darby Adult Education director presents higher education research findings during a Community Management Team meeting of the BWS UM and UM-COT staff attend presentation
February 2006	UM indicates it wishes "not to be intrusive, but to provide support" in the CC endeavor Bitterroot Valley Community College Exploratory Committee (BVCC-EC) founded as a BWS subcommittee
Spring/Summer 2006	BVCC-EC presents to numerous local groups including: Ravalli County Commissioners, Bitterroot Chamber of Commerce, Stevensville Main Street Association, Florence Civic Club, Mule Team (Democrats), Pachyderms (Republicans), Kiwanis, and Lions
May 2006	BVCC-EC contacts OCHE about its interest in pursuing the establishment of a public community college pursuant to law UM staff attend BWS Community Management Team meeting and announce tentative plan to build a Missoula UM-COT Branch Campus in Hamilton

<i>Bitterroot Valley Community College</i> UM-COT Missoula	
<ul style="list-style-type: none"> ▪ Proposal <ul style="list-style-type: none"> ▪ Ask Board of Regents to establish a UM-COT Missoula extension facility in Hamilton ▪ Ask State Legislature for \$18 million for a new UM-COT campus in Missoula with \$4 million earmarked for an extension facility in Hamilton ▪ Ask Ravalli County citizens to donate 4 to 10 acres for the new UM-COT Hamilton extension facility ▪ Projections <ul style="list-style-type: none"> ▪ 175 full-time equivalent students ▪ Offer first year of program study only ▪ \$84,000 annual operating deficit 	

Bitterroot Valley Community College		Comparison			
	Establishment	Governance	Mission	Funding	Tuition
BVCC	Vote of the people Results in the establishment of a community college district with local taxing authority	Dual governance between a seven-member locally elected board of trustees and the Board of Regents Local Board: manages and controls Board of Regents: supervises and coordinates	Vo-tech Ed General Ed Continuing Ed Developmental Ed Adult Literacy GED College Prep.	State* Local Student Eligible for state and federal dollars for adult literacy/GED Able to levy adult education tax for non-credit ed	Least expensive of public higher education options
UM-COT	Lobby regents Lobby legislature Results in the establishment of a Missoula UM-COT extension facility with no local charter and no local taxing authority	Single governance by Board of Regents supervises, coordinates, manages, and controls Under UM-COT Missoula administration; local advisory board appointed by governor	Vo-tech Ed Gen Ed	State Student NOT eligible for state or federal dollars for adult literacy/GED NOT able to levy adult education tax for non-credit ed	More expensive than public community colleges

*Community colleges by current state statute cannot receive state money for capital expenses.



Bitterroot Valley Community College		Funding comparison
Source of "other" funding		
College of Technology		Community College
Student → User Tax (\$820)		Homeowner → Property Tax \$8.50 per \$100,000
Flat tax (regressive)		Graduated tax (progressive)
Effect of Tax		Effect of Tax
Higher education less affordable		Higher education more affordable
Decreased enrollment → economies of scale decreased decreased investment return		Increased enrollment → economies of scale increased increased investment return

- Bitterroot Valley
Community College
- The community college option
- **Affordable**
 - Local investment allows for affordable services
 - **Comprehensive**
 - Vocational-technical education, general education, continuing education, and developmental/remedial education
 - **Accountable**
 - Locally-elected board ensures responsiveness
 - Lack of top-down structure allows for flexibility
 - **Committed**
 - A community college district is a permanent, legally recognized entity

*Bitterroot Valley
Community College*

A final analysis

Commute to Missoula	Distance education	UM-COT tuition	Community college
\$600 per year per car	\$720 per year per student	\$820 per year per student	\$8.50 per year per \$100,000
Money saved on lower student expenses is recycled into local economy			
•A community college provides affordable and comprehensive adult learning services •A community college is accountable and committed to the people it serves			

*Bitterroot Valley
Community College*

What do you think?

- Ravalli County, with a population nearing 40,000 and a service-driven economy, stands at a higher education crossroads
- Without improved access to adult learning services, the county is sure to suffer both economically and socially
- Visit bvcc-edu.org to learn more about the BVCC proposal and the efforts of the BVCC Exploratory Committee

Vote ☒ **FOR a Community College** **Tuesday, May 8, 2007**

A community college education is . . .

Affordable

Local investment in the college (via *a property tax amounting to \$8.50 per year per \$100,000 in residential market value* for 175 fulltime equivalent for-credit students) allows for affordable services; affordability drives student enrollment; enrollment ensures the success of the college.

A community college administration is . . .

Accountable

A community college is managed and controlled by a locally elected board of trustees. Local control ensures that college programming is responsive, flexible, and timely in meeting local needs.

A community college district is . . .

Committed

A community college district is a permanent, legally recognized educational district. The formation of a community college district ensures the committed presence of local adult learning services.

Community college services are . . .

Comprehensive

A community college provides the full range of for-credit and non-credit services:

Vocational-Technical Education
General Education
Continuing Education
Adult Literacy and GED
College Preparatory Coursework
Dual Credit for High School Students
Community Outreach

A UM-COT extension facility does NOT have these qualities.

Learn more, visit bvcc-edu.org

BITTERROOT VALLEY COMMUNITY COLLEGE ~ FREQUENTLY ASKED QUESTIONS (FAQs)

What is a community college district? Who will be included in the district?

A community college district is drawn around existing contiguous school districts. The boundary of the community college district is the extent of its taxing authority. All those residing within the community college district can attend the college as in-district students. The proposed Bitterroot Valley Community College district includes all of the school districts in Ravalli County EXCEPTING Florence-Carlton. Because of Florence-Carlton's location (partly in Ravalli County and partly in Missoula County), there are statutory difficulties regarding the inclusion of Florence-Carlton during the initial formation of a community college district. However, Florence-Carlton residents may elect to annex the school district to the Bitterroot Valley Community College district at a future date (see § 20-15-231 for details).

Who will oversee the college?

A locally elected, seven member board will manage and control the college. The Board of Regents will retain supervisory and coordinating powers over the college.

What programs will the college offer?

Programming decisions will be made by the elected board under guidance from the Board of Regents. All for-credit programs will be accredited; all for-credit offerings will be transferable.

Where will the college be located?

This is a decision made by the elected board. It is likely that the elected board would initially rent space for administrative and educational purposes. The purchase or construction of a facility could be funded through a bond. The passing of a bond measure would require a majority vote of the district's electorate.

How much will it cost to attend the college?

Community college tuition is mandated by the Board of Regents to be the least expensive public higher education option in the state. As a comparison, full-time in-district students at Flathead Valley Community College (FVCC) currently pay \$1174 per semester, while full-time students at Missoula's College of Technology (COT) pay \$1584 per semester and full-time students (freshmen and sophomores) at the UM pay \$2489 per semester. Community college tuition & fees at FVCC currently run **\$410 less** per semester than Missoula's COT and **\$1315 less** per semester than the UM.

How is a community college funded?

Community college funding is divided between **restricted and unrestricted funds**. **Restricted funds** are monies earmarked for a specific purpose. Restricted funds may come from scholarships, grants, student fees, private donations, or optional taxes. Optional taxes might include impact fees earmarked for college building projects or a voted levy to construct a college facility.

Restricted funds are also used to administer non-credit (continuing) education and adult literacy services (such as GED). Currently, all of our area's school districts levy an adult education tax for non-credit and/or adult literacy programming: Corvallis levies 2.6 mills, Darby levies 0.5 mills, Hamilton levies 4.2 mills, Lone Rock levies 6.23 mills, Stevensville levies 2.0 mills, and Victor levies 2.6 mills (numbers from 2004-2005). A community college would be able to tap into this same levy (allowing K-12 providers to relinquish this duty and this levy) to provide a comprehensive, coordinated, and collaborative valley-wide continuing education program as well as valley-wide adult literacy/GED services.

It is noted that the state's colleges of technology (COTs) have no taxing authority, and therefore need alternative funding sources to provide continuing education and adult literacy services. Moreover, COTS, unlike community colleges, are by statute ineligible for state and federal grants used in the operation of adult literacy programs.

Unrestricted funds support community college for-credit education. Unrestricted funds come from state appropriations, a mandatory local mill levy, and student tuition. The state funds a certain percentage of the annual tuition cost per every full-time equivalent student (note: two half-time students would equal one full-time student). Currently the state funds about 50% of the cost of each full-time community college student. The mandatory local mill levy picks up about 25% of the cost, and the remaining 25% is paid by the individual student. ***It is the community's willingness to invest in for-credit education for its residents that allows community college tuition rates to be the lowest tuition rates in the state.***

Will the college impact my local property taxes?

At the current level of state funding and the current mandatory local mill levy average, a student body of 175 full-time equivalent students (a number projected by the UM for its proposed Hamilton College of Technology branch campus) would require 3.88 mills, costing the local taxpayer \$0.16 per week OR **\$0.71 per month** OR \$8.50 per year per \$100,000 in residential property value.

What about the UM offer to open a Hamilton College of Technology (COT) branch campus?

The UM has recently offered to lobby the board of regents and the state legislature to establish and fund the construction of a Hamilton UM-COT branch campus. Although this is an excellent opportunity to bring vocational-technical training to our community, the mission of a COT is not broad enough to serve all the lifelong learning needs and interests of our residents. Moreover, there are no legal guarantees of institutional permanence with respect to a branch COT, nor is a COT locally governed. A community college has an expansive mission, is a legally-recognized educational district, and is community-owned as a locally controlled institution.

Costs of a community college

by **PERRY PEARSON - Ravalli Republic**

Editor's note: This is the second in a series about the proposed Bitterroot Valley Community College and issues surrounding it.

When talk of the proposed community college in Ravalli County comes up, the first question on the minds of many is, "What's it going to cost me?"

Voters will decide May 8 whether they want to set up a community college district, the first step towards creating a local community college. If they choose to do that, they will be agreeing to support that local college in property taxes (about 25 percent of the costs) in accordance with the way the state's community college system is set up.

Community colleges are locally based and controlled, allowing for more local say in decisions regarding programming and costs. The state is involved, picking up about 50 percent of the costs, with the remaining 25 percent of the money coming from tuition, fees, and other funding sources such as grants.

Funds for any buildings such a college might need could also come from the local taxpayers in the form of a bond measure like local school districts run to pay for their buildings or expansions. Community colleges, local proponents have noted, can and many times do benefit from charitable donations towards the construction of buildings.

People on both sides of the issue have debated the cost of the community college proposal, both to taxpayers and students. A close look at some readily available numbers can provide some answers.

As part of this analysis, it's important to mention that University of Montana officials as well as some local lawmakers are pushing to provide another option, the establishment of a branch campus of the UM-College of Technology.

Colleges of technology, also two-year institutions, differ from community colleges in two major ways, funding and governance. COTs are funded by tuition and fees as well as money from the state and do not require additional funds from the local taxpayers other than the current 6 mills they are already being taxed for the university system.

The Montana Board of Regents asked for about \$18 million this year for ongoing infrastructure needs of the college of technology system, with that money intended for the UM-COT in Missoula. UM officials hoped to use \$4 to \$5 million of that to establish a branch COT campus in Ravalli County but that request did not receive funding in Gov. Brian Schweitzer's budget in the 2007 Montana Legislature.

Sen. Rick Laible, R-Darby, successfully attached an amendment to a legislative bill that would provide \$2 million for planning and infrastructure for colleges of technologies across the state. That money, which could find its way to Ravalli County as part of a branch campus, is currently in limbo in a conference committee as the session winds down.

Local taxes

The Bitterroot Valley Community College Exploratory Committee has a projected number for taxes that it presents to residents at public meetings. It's \$8.50 in taxes per \$100,000 in property value, for a new college with an estimated 175 students. The Montana Board of Regents recently asked an official from the Montana Taxpayer's Association to analyze that number. That person, Curt Nichols, came up with a number about double what the local community college proponents use.

According to Victoria Clark, the spokesperson for the BVCCEC, their number comes from levying 3.88 mills annually based on the state's funding formula for community colleges. She used \$5,203 (known as the cost of education factor), which is the cost of sending one student full-time for one year to a community college in the state, based on numbers agreed upon in last legislative session. Local taxpayers would need to pick up 25 percent of that number.

Clark calculated the value of the mill in the proposed community college district at \$58,600 based the local district's taxable value as of August 2006, \$58.6 million. A mill is 1/1000 of the district's taxable property value. That calculation raises \$227,631 which is the local portion of funding for the college.

Nichols, a retired state budget analyst, said he used more up to date numbers. He calculated the proposed community college district's taxable value at \$64,533,245 using numbers provided to him based on the 2006-2007 school year for local school districts. He also used \$7,322 as the cost of sending one full-time student for one year to a community college. "That's the average of the other three community colleges we have (in Montana)," Nichols said, noting that's the number lawmakers in Helena currently agree on and will be used once the 2007 session is completed. The \$5,203, he said, is not currently a realistic representation of the cost.

Nichols came up with a projection of 8.2 mills as the local levy, which includes 1.39 mills to pay for the retirement accounts for local employees. Nichols estimated that it would cost \$16.81 per \$100,000 in taxable property value to serve 175 full-time students. That would raise \$439,295 as the mandatory local portion to support the college.

Nichols noted that his group does not take a position on the issue, only wanting to make it clear to voters that there will be cost involved with the May 8 election if a community college district is established. He said voters also must be aware of the likely eventual need for a building which is not included in his numbers.

Clark, in defense of their number, said they used the numbers that have been used in the state for the past two years and not numbers which have yet to be finalized at this year's legislative session.

"If you vote in favor of forming the community college district, you have agreed to accept the funding formula as created by the state in any given legislative year," she said. "And it was one thing two years ago and it will be one thing in a few weeks and it will be a whole another thing in two years ... You have to realize that it is in the best interest of the legislature to keep that number reasonable. Property taxes for community colleges are reasonable."

A look at what other residents in counties with community colleges pay in taxes could also be used when you consider what the cost of a community college will be for Ravalli County.

Residents in the Flathead Valley Community College district pay about \$53 per \$100,000 in taxable value to support the college there. That includes levies for a general fund, adult education, retirement for employees and debt service.

Flathead Valley Community College also has a campus in Libby, which is in Lincoln County. Through an agreement with Flathead that campus offers classes and programs for \$12.97 per \$100,000 in property value for residents.

Residents in Custer County, where Miles Community College is located, pay about \$254 per \$100,000. In Dawson County, home



of Dawson Community College, residents pay about \$115 per \$100,000. Those numbers, like Flathead Valley Community College, include money for the general fund, retirement, debt service, and adult education.

According to Justin Cross, the dean of administrative services at Dawson Community College, residents there as well as in Custer County pay much more than Flathead Valley residents pay or Ravalli County residents would pay because property value: in Western Montana are double sometimes triple of that in the eastern part of the state. There are also many more residents in Flathead and Ravalli counties, allowing for a bigger pool of money to draw from.

"Our taxpayers are very supportive of our community college," he said, noting the positive effect it has had on the local economy in Dawson County.

Tuition and fees

Tuition, by law, is cheaper at community colleges than at any other state college or university.

In district-tuition and fees (available only for Flathead Valley district residents) at Flathead Valley Community College amounts to \$1,272 for 15 credits. In-state tuition and fees (if for example a Ravalli County resident went there) is \$1,864 for 15 credits. Dawson Community College in Glendive charges \$1,284 for in-district and \$1,779 for in-state for 15 credits.

By comparison, tuition and fees for all students at the University of Montana College of Technology is \$1,584 for 15 credits, according to numbers provided by the state. The University of Montana Helena College of Technology charges \$1,468 for 15 credits.

Sheila Stearns, the Montana Commissioner of Higher Education, said the Board of Regents has tried to keep tuition at all colleges and universities as affordable as possible. She said that is especially important for community colleges and colleges of technology.

"Two-year education is undervalued and under utilized in this state compared to a lot of states," she said, noting the ability of students to gain their general education credits there at an affordable price and then transfer them to four-year colleges.

"The tuition for our COTs compared to our community colleges is virtually the same, with about \$200 or \$300 in difference (among them all)," she said, "where the big difference is between the four-year units in the state and all the two-year units whatever they may be."

What makes community colleges cheaper for tuition, Stearns said, is that additional local support from taxpayers on top of the six mills everybody pays for the state's university system.

Community college proponents are quick to point this out.

Community colleges and colleges of technology, according to Clark, have basically the same costs. It's just a matter of where the local money (about 25 percent of the total cost of educating the student) comes from. With a community college, "everybody's chipping in," she noted. "With a COT, it's just the student. (Higher tuition) ends up as a user tax which is regressive. The effect of this tax is that it makes higher education less affordable and decreases enrollment."

She added, "With a community a community college ... that's a progressive tax and the effect of that tax is it makes higher education more affordable. More people are enrolled in the college and you have increased your investment return on your tax dollar."

Adult education levy

Community college proponents believe their proposal can reduce taxes for residents in Ravalli County, in one form, the adult education levy that residents now pay to their local school district for adult education classes. These classes are not-for credit and can include things like computer training, photography, and sewing.

The money can only be used for adult education. In the Hamilton School District, for example, local tax payers are taxed this school year 4.4 mills, with the value of a mill about \$12,000. That raised \$80,960 to use on adult education. In the Victor School District, residents are levied 1.1 mills, with the value of a mill there equaling \$5,600. That raised \$6,160 for adult education.

A community college in Ravalli County, according to Clark, could run its own adult education levy at 2.5 mills throughout the proposed community college district. That district includes every school district in the county except the Florence-Carlton School District which falls in both Missoula and Ravalli counties. Levying that amount of mills would raise \$146,500, or about \$35,000 less than all those districts combined currently levy.

"What are you going to get for that? You are going to get something like Dickinson Lifelong Learning Center," Clark said, noting the adult education center that services all of Missoula County. "It's something that provides, year-round non-credit services ... adult literacy, GED, and the whole range of continuing education."

Clark, who runs the adult education services for the Darby School District, said a community college can perform that function cheaper because all of the administrative costs are consolidated. A wider variety of classes could also be offered, she said.

The school districts, in this scenario, would likely drop their local levies because of the effectiveness of the community college in providing the services. "Certainly the school districts will make up their own mind," she said. "We think it makes a lot more sense to consolidate it and have one administration that can provide to the whole community and really save you some tax dollars."

Community college proponents note that no colleges of technology in the state currently offer adult education services through local levies. Clark believes they can't by law since they don't have that local taxing authority like community colleges.

"They don't offer adult education funds period. The reason they don't offer them is that they can't use the adult education levy," she said.

Stearns disputes this notion. She said there are ways that colleges of technology could take on that mission despite the fact that none currently do. She said a centrally located college of technology could go to all the school districts to work with them on gaining use of those funds.

"They generally don't because they are situated in counties where the school districts are doing that," she said.

Community colleges, colleges of technology, and tribal colleges throughout the state can all do basically the same things, she said, adding "All of them can put their emphasis in a little different way."

Reporter Perry Pearson can be reached at 363-3300 or ppearson@ravallirepublic.com



Joint Subcommittee On Postsecondary Education Policy and Budget

60th Montana Legislature

Room 110 Capitol Building * P.O. Box 201711 * Helena, MT 59620-1711 * (406) 444-2986 * FAX (406) 444-3036

SENATE MEMBERS

BOB HAWKS, CHAIRMAN
JIM PETERSON

HOUSE MEMBERS

ROBIN HAMILTON
BOB LAKE

BOARD OF REGENTS MEMBERS

STEPHEN BARRETT
CLAYTON CHRISTIAN

EXECUTIVE APPOINTEE

JAN LOMBARDI (Ex-Officio)
LFD Staff: Alan Peura

December 18, 2007

Senator Bob Hawks
703 West Koch Street
Bozeman, MT 59715

Dear Senator Hawks,

Following the presentation of the Bitterroot Valley Community College (BVCC) proposal at the December 13, 2007, Postsecondary Education and Policy Budget Subcommittee meeting, some Subcommittee members had questions concerning whether the mandatory mill levy prescribed by section 20-15-313, MCA, is triggered by legislative approval or subject to voter approval following legislative approval. This letter is in response to your request for a legal opinion on whether the Board of County Commissioners in Ravalli County must seek voter approval prior to imposing the mandatory levy pursuant to section 20-15-313, MCA, and whether the ballot used on May 8, 2007, to approve the organization of the Bitterroot Valley Community College District may be subject to a legal challenge because it failed to include language informing voters that a vote "FOR organization" of the district automatically triggered the imposition of the mandatory levy without a vote of the electorate.

Mandatory Levy

Once a community college district is approved by the Legislature pursuant to section 20-15-209, MCA, the Board of Trustees of the community college is required to submit an operating budget to the Board of Regents financed by a state general fund appropriation, a mandatory mill levy amount, revenue derived from student tuition and fees, unrestricted income from other sources, and any optional mill levy approved by the electorate. Section 20-15-312, MCA, provides that the mandatory levy represents a specific percentage of the combined total of the fixed cost of education and the variable cost of education as defined and determined by the Legislature. This percentage must be specified for each community college by the Board of Trustees and approved by the Board of Regents. Once the specified percentage is determined pursuant to section 20-15-312, MCA, section 20-15-313, MCA, requires the Board of County Commissioners of any county where a community college is located to ***fix and levy a tax on all the real and personal property within the community college district at the rate required to finance the mandatory mill levy*** prescribed by section 20-15-312(1)(b), MCA, and the voted levy prescribed by section 20-15-311(5), MCA, if one has been approved by the voters (emphasis added). Webster's Dictionary defines the term "mandatory" as obligatory, compulsory, or constituting a command. Therefore, if the Legislature subsequently approves the BVCC petition to establish a new community college district, section 20-15-313, MCA, obligates the Ravalli County Commissioners to levy a tax on real and personal property to finance the mandatory levy amount. The optional voted levy referred to in sections 20-15-311 through 20-15-313, MCA, occurs after the imposition of the mandatory mill levy. Therefore, the local election on May 8, 2007, combined with legislative approval of the proposed community college district triggers the requirement for the Ravalli County Commissioners to impose the mandatory levy without a vote of the local electors. In addition, an April 27, 2007, article in the Ravalli

Republic clearly stated that voters choosing to set up a community college district would be agreeing to support that local college through property taxes in accordance with the way the state's community college system is set up.

Ballot Language

Once a proposed community college district satisfies the requirements of section 20-15-201, MCA, the Board of Regents is required to order the elementary districts encompassing the proposed community college district to conduct an election on the proposition. Section 20-15-203, MCA, provides that the proposition submitted to the electorate be in substantially the following form:

PROPOSITION

Shall there be organized within the area comprising the School Districts of
(elementary districts must be listed by county), State of Montana, a community college district for the offering of 13th- and 14th-year courses, to be known as the Community College District of, Montana, under the provisions of the laws authorizing community college districts in Montana, as requested in the petition filed with the Board of Regents at Helena, Montana, on the day of, 20...?

☐ FOR organization.

☐ AGAINST organization.

There is no requirement under this section that the ballot include language reminding the electorate that a vote in favor of organizing the community college district combined with subsequent legislative approval of the district will automatically impose the mandatory mill levy prescribed under section 20-15-313, MCA. Section 20-15-313, MCA, which clearly obligates County Commissioners to impose the mandatory levy, is included as one of the laws authorizing community college districts in Montana that is referenced in the proposition language. Without a requirement that the ballot include language reminding voters that an affirmative vote has implications for the imposition of the mandatory levy prescribed under section 20-15-313, MCA, I see no grounds for successfully challenging the ballot for failing to include that language.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Eddye McClure
Staff Attorney
Montana Legislative Services Division

c Representative Bob Lake
 Representative Robin Hamilton
 Senator Rick Laible

CI0425 7352gpxa.

Montana School Budget Information 2006

Ravalli County School Districts within the proposed BVCC District vs.
School Districts within CC Districts across Montana

School Districts in CC Districts with Percent of Max. figures comparable
to Ravalli County School Districts

Note: all CC Districts average Percent of Max. figures greater than that
of the proposed BVCC District

County	School District	Level	Percent of Max.	*Enrollment	*final ANB
--------	-----------------	-------	-----------------	-------------	------------

Proposed Bitterroot Valley CC District

Ravalli	Corvallis K-12 Schools	K12	80.96%	1364
Ravalli	Stevensville Elem	EL	86.98%	618
Ravalli	Stevensville H S	HS	81.18%	468
Ravalli	Hamilton K-12 Schools	K12	87.19%	1616
Ravalli	Victor K-12 Schools	K12	79.32%	354
Ravalli	Darby K-12 Schools	K12	80.99%	555
Ravalli	Lone Rock Elem	EL	79.11%	301

82.25% Average

Dawson CC District

Dawson	Glendive Elem	EL	100.00%	788
Dawson	Dawson H S	HS	99.99%	457
Dawson	Bloomfield Elem	EL	96.48%	12
Dawson	Lindsay Elem	EL	97.90%	11
Dawson	Richey Elem	EL	103.37%	52
Dawson	Richey H S	HS	100.00%	38
Dawson	Deer Creek Elem	EL	98.35%	20

99.44% Average

Miles CC District

Custer	Miles City Elem	EL	98.60%	1093
Custer	Kircher Elem	EL	79.81%	68
Custer	Trail Creek Elem	EL	93.00%	4
Custer	Spring Creek Elem	EL	79.89%	5
Custer	Cottonwood Elem	EL	79.89%	7
Custer	Kinsey Elem	EL	81.34%	61
Custer	S Y Elem	EL	79.90%	4
Custer	Custer County H S	HS	99.12%	589
Custer	Twin Buttes Elem	EL	80.56%	8
Custer	S H Elem	EL	79.89%	7

85.20% Average

Flathead Valley CC District

Flathead	Deer Park Elem	EL	90.53%	107
Flathead	Fair-Mont-Egan Elem	EL	97.05%	149
Flathead	Swan River Elem	EL	81.79%	177
Flathead	Kalispell Elem	EL	99.52%	2435
Flathead	Flathead H S	HS	93.64%	2529
Flathead	Columbia Falls Elem	EL	94.84%	1643
Flathead	Columbia Falls H S	HS	87.81%	885
Flathead	Creston Elem	EL	100.00%	72
Flathead	Cayuse Prairie Elem	EL	94.81%	176
Flathead	Helena Flats Elem	EL	99.69%	200
Flathead	Kila Elem	EL	96.19%	141
Flathead	Smith Valley Elem	EL	91.45%	179
Flathead	Pleasant Valley Elem	EL	93.97%	7
Flathead	Somers Elem	EL	87.27%	517
Flathead	Bigfork Elem	EL	97.86%	487
Flathead	Bigfork H S	HS	90.25%	383
Flathead	Whitefish Elem	EL	99.99%	1185
Flathead	Whitefish H S	HS	97.50%	756
Flathead	Evergreen Elem	EL	97.47%	745
Flathead	Marion Elem	EL	98.99%	110
Flathead	Olney-Bissell Elem	EL	96.16%	73
Flathead	West Valley Elem	EL	94.58%	354
Flathead	West Glacier Elem	EL	108.96%	35

95.23% Average

September 8, 2007

Sheila-

Thank you for relating to us your position on this matter. Below you will find a detailed discussion of the BVCC-SC concerns with regard to recent local press coverage of the UM's proposed Hamilton Higher Education Center as well as a discussion of recent "operational" activity involving the UM's proposed Hamilton Higher Education Center.

BVCC-SC Concerns Regarding Recent Local Press Coverage of the UM's proposed Hamilton Higher Education Center

The BVCC-SC is concerned that inaccurate and misleading information regarding the status of the UM's proposed Higher Education Center is being provided to our local press, as our press reported that the Hamilton Higher Education Center is operating "with the go-ahead from the Montana Board of Regents" (**Higher education center offers COT classes**, *Ravalli Republic*, Jenny Harris, August 15, 2007). It is not the understanding of the BVCC-SC that the UM's proposed Higher Education Center has been either authorized or not authorized by the Regents. It is our committee's understanding that the Regents have taken no action whatsoever with respect to the UM's proposed Hamilton Higher Education Center. We would like clarification on this matter.

Our committee also wonders about the *Ravalli Republic's* reference to no degrees being offered through the Hamilton Higher Education Center, "... nor will it offer degrees" (**Higher education center offers COT classes**, *Ravalli Republic*, Jenny Harris, August 15, 2007). Regents policy on higher education centers led our committee to believe that the granting of degrees was the primary purpose of a higher education center, "A higher education center shall offer a structured, coherent educational program leading to a degree" (Regents policy 220, *Higher education centers*, Guidelines, item 1). Again, our committee would like clarification on this matter.

Thirdly, the BVCC-SC is puzzled by the *Ravalli Republic* article's reference to a spring 2007 UM survey, "... according to a survey conducted by the UM last spring, valley residents were most interested in technology courses" (**Higher education center offers COT classes**, *Ravalli Republic*, Jenny Harris, August 15, 2007). Is this another typo (as in the UM's information item document to the Board of Regents in May of this year) or did the UM actually conduct a Bitterroot Valley adult education needs assessment survey in the spring of 2007? If this is indeed a "typo," does it originate from the source or the reporter? To see such an error repeated is disturbing. As the public's understanding of the UM's proposed Hamilton Higher Education Center effort is likely to largely come from our local press, it seems only fair to the public (in order that the public may assess the UM effort with full knowledge) that the timing and intent of the UM's survey be accurately reported. We ask for your opinion on this matter.

BVCC-SC Concerns Surrounding Recent Activity Involving the UM's proposed Hamilton Higher Education Center

Several issues with respect to recent activity involving the UM's proposed Hamilton Higher Education Center concern the BVCC-SC. First there is the issue of planning a center versus the actual opening of a center. Second there is the issue of local dialogue and cooperation.

According to Regents policy on higher education centers, "presidents and chancellors of the Montana University System are authorized to plan higher education centers" (policy 220, *higher education centers*, Board Policy, item 1). Upon completing a higher education center plan, Regents policy follows that the plan for the proposed center shall be provided "to the Commissioner of Higher Education and all institutions of higher education in the state for their information and comment at least 60 days before action on the proposal is requested" (policy 220, *higher education centers*, Program Proposal).

Presumably at some point after the 60-day comment period, the interested institution requests that action on the proposal be taken, whereby "The Board of Regents may authorize the establishment of a higher education center upon the recommendation of the Commissioner of Higher Education" (policy 220, *higher education centers*, Board Policy, item 3). Regents policy also outlines what at minimum is required of a higher education center proposal, with stipulated information including: programming details, needs assessment results, student population numbers, faculty numbers, funding sources, facility plans, and impacts on other Montana postsecondary institutions (policy 220, *higher education centers*, Procedures, item 3a-e).

Given the above policy reading, the BVCC-SC is confused by what is being promoted in our local press and by the UM itself (visit the UM's Hamilton Higher Education website and note Hamilton Higher Education advertisements in the *Ravalli Republic*, as well as the local distribution of Hamilton Higher Education Center flyers and information cards) as the opening of the Hamilton Higher Education Center. Can a higher education center opens its doors for operation prior to being authorized for establishment by the Regents? If a plan is put into action, is it still only a plan? What policy allows President Dennison to "operationalize" a higher education center prior to having Regent authority to establish a higher education center? Our committee would like clarification on this matter.

In a related concern, the BVCC-SC also wonders about the UM's Hamilton Higher Education Center proposal itself. Was the information item document put forth at the May 2007 Regents meeting in Miles City concerning the UM's proposed Hamilton Higher Education Center the UM's formal proposal for its center? If so, the BVCC-SC asserts that it was not clearly identified as such. Moreover, if the UM's May 2007 document was indeed the UM's formal proposal, the BVCC-SC wonders that neither the Regents nor the Commissioner reminded the gathered assembly of state institutions of their prerogative to comment on the proposal. The BVCC-SC does note, however, that it seems unlikely that the UM's May 2007 information item document was indeed the University's formal proposal, as the document hardly provides the level of detail required of a formal proposal as stipulated by Regents policy (see previous discussion). Our committee also asks for clarification on this topic.

Finally, there is the issue of local dialogue and cooperation. Where is the spirit of local cooperation, consultation, and dialogue, which features so prominently in the Regents policy on higher education centers (see the BVCC-SC statement concerning the UM's proposed Hamilton Higher Education Center submitted to OCHE via e-mail June 28, 2007 and via hardcopy July 11, 2007 [also available online at <http://bvcc-edu.org/BVCC-HHEC.htm>]), with respect to the UM's planning (let alone implementing) of its proposed Hamilton Higher Education Center? When proposed Hamilton Higher Education Center Director Frank Laurence states in the *Ravalli Republic* that the proposed center "has been met with a positive response from a host of people," our group and our trustees elect wonder who these people are and if they could be identified. In order to assess the Hamilton Higher Education Center effort, it would be helpful to know who the other local advocates for adult learning services are in the valley and what breadth and depth of understanding, energy, and resources they bring to the Hamilton Higher Education Center effort. Our committee asks for information on this matter.

Notably, the concerns raised by the BVCC-SC with respect to the UM's proposed Hamilton Higher Education Center have not been addressed by the UM or, for that matter, by OCHE. Foremost, why has the UM not included the BVCC Trustees Elect in their planning? Is there a policy prohibiting the UM from meeting with the BVCC Trustees Elect as such would affect the UM's "neutral" status with respect to the BVCC effort? Of course, we all know that the absence of action as well as action itself plays against neutrality. The message sent by not establishing dialogue with the BVCC Trustees Elect is as loud (if not louder) than the message sent by opening a dialogue. Frankly, if the UM is truly neutral concerning the BVCC what is the harm in dialoguing with the BVCC Trustees Elect concerning the proposed Hamilton Higher Education Center? The more input, the better the services, right? Moreover, if the BVCC does in fact become a reality then the UM will already have established a working relationship with the BVCC governing body, making the provision of local adult learning services (presumably the commonality between the entities) operate that much more efficiently and effectively from the onset. The BVCC-SC asks that the UM initiate a dialogue with the BVCC Trustees Elect regarding its plans for a Hamilton Higher Education Center.

Summary Comments

The BVCC-SC continues to try to understand the UM's actions over the past 15 months. From the BVCC-SC's perspective it appears that in the UM's scramble to have something (anything?) up and running ahead of the BVCC effort, it has misspent taxpayer money (most egregiously via its spring 2007 *UM in the Bitterroot* advertising campaign¹ and its running of summer 2007 *UM in the Bitterroot* courses despite enrollments as low as one student per course), misled the public (via the provision of inaccurate information to our local press—see case made above), and violated Regents policy (regarding higher education centers—see case made above). As much as our committee would like to believe that the UM's efforts are all about the provision of adult learning services, our naiveté on this point has long been shattered. It is clear from the UM's recent actions that something beyond the adult learning needs of Ravalli County residents is at play. Winning the public relations campaign appears to be more important to the UM administration than guaranteeing the committed presence of affordable, comprehensive, accessible, and accountable adult learning services in the Bitterroot. From the actions of the UM to date, the BVCC-SC speculates that the UM is intent upon defeating the BVCC effort by demonstrating to the Regents and the Legislature that because it already has programs up and running in the Bitterroot that there is no need for the BVCC – regardless of the appropriateness, comprehensiveness, persistence, affordability, accessibility, and accountability of such programs. The UM appears determined to get its foot in the door first and thereby deny our community both the institution of its choice and, from our research, the institution which in the long run will serve it best.

Finally, our committee asks who is in charge because from our vantage point it seems as if the UM acts with impunity. Where is the ethical oversight ensuring that what the UM relates to the press (and thereby the public) is accurate let alone ingenuous? Where is the procedural oversight ensuring that UM actions are guided by Regent policy? Where is the fiscal oversight regarding UM planning expenditures with respect to services in the Bitterroot Valley?—specifically, in the past 15 months the UM has spent money on planning and promoting a UM-COT Hamilton facility, on planning, promoting¹, and implementing a *UM in the Bitterroot* venture, and now on planning, promoting, and implementing a Hamilton Higher Education Center. Notably, all these expenses in "planning" come on the heels of a local effort to establish a community college. It is hard not to interpret the UM's recent succession of planning events as anything but hurried, ill-considered, and reactive. How can OCHE sanction these planning expenditures and still maintain a neutral position with respect to the BVCC effort? In summary, the BVCC-SC wonders if there is a conflict of interest with respect to OCHE and the establishment of the BVCC. Our committee asks for a greater understanding of this matter.

Thank you for allowing us the opportunity to express our concerns. We look forward to the requested clarifications from your office.

Sincerely,

Victoria

¹ The promoting of the *UM in the Bitterroot* venture is particularly troubling as the BVCC-SC estimates that at least \$20,000 (of presumably taxpayer money) was consumed by *UM in the Bitterroot* community mailings as well as full-page and quarter-page *UM in the Bitterroot* advertisements in our local paper the weeks and days leading up to the May 7, 2007 BVCC vote. Arguably the UM spent taxpayer dollars in an attempt to influence an election.